

REMARKS

Claim Rejections

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Remington et al. (3,782,800) in view of Slivon (5,292,191).

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this Application.

New Claims

By this Amendment, Applicant has canceled claims 1-10 and has added new claims 11-16 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a drawer locking structure comprising: a cabinet body (12) being a rectangular body having a cabinet rear board, two cabinet side boards, an cabinet upper board, a cabinet lower board, and a cabinet front opening; a drawer (14) being a rectangular body having a drawer front board, a drawer rear board, two drawer side boards, a drawer lower board, and an upper opening, the drawer being slidable connected to the cabinet body and movable between a first position within the cabinet front opening and a second position extending outwardly from the cabinet front opening; and a lock device (16) movable between locked and unlocked positions and having: a shift body (62) pivotally connected to the drawer front board at a middle portion thereof and having a driving section (621) located on an interior of the upper opening and a force application section (622) located on an exterior of the drawer and protruding outwardly from the drawer front board; a stopper body (64) located on an exterior of one of the two drawer side boards; and a resilient body (66) having a first connecting section (661) connected to a first of the two cabinet side boards and an engaging section (662) selectively engaging the stopper body, the resilient body having a U-shaped cross-

section, wherein, when the lock device is in the locked position, the force application section is pivoted downwardly pivoting the driving section upwardly and releasing the engaging section to resiliently move upwardly, the engaging section engaging the stopper body and locking the drawer in the first position, and, when the lock device is in the unlocked position, the force application section is pivoted upwardly pivoting the driving section downwardly and pressing the engaging section downwardly, the engaging section is separated from the stopper body and the drawer is slidable between the first and the second positions.

Other embodiments of the present invention include: the engaging section having a stop face and a guiding slope, the stop face selectively engaging the stopper body, the guide slope guiding the stopper body to engage the stop face; the resilient body includes a second connecting section (663) connected to the first of the two cabinet side boards; and the first connecting section and the second connecting section are pivotally connected to the cabinet body.

The primary reference to Remington et al. teaches a latch mechanism having a latch member (14) connected to a spring (38), wherein the spring biases the latch member downwardly.

Remington et al. do not teach a lock device having a shift body pivotally connected to the drawer front board at a middle portion thereof; the shift body having a driving section located on an interior of the upper opening and a force application section located on an exterior of the drawer and protruding outwardly from the drawer front board; the resilient body having a U-shaped cross-section; when the lock device is in the locked position, the force application section is pivoted downwardly pivoting the driving section upwardly and releasing the engaging section to resiliently move upwardly, the engaging section engaging the stopper body and locking the drawer in the first position; nor do Remington et al. teach when the lock device is in the unlocked position, the force application section is pivoted upwardly pivoting the driving section downwardly and pressing the engaging section downwardly, the engaging section is separated from the stopper body and the drawer is slidable between the first and the second positions.

The secondary reference to Slivon teaches a latch mechanism including an S-Shaped actuator plate (50) having an end portion located in a slot (41) of trim

member (40). The actuator plate (50) is located under a drawer pull (21). A latch member (60) is welded to an end (53) of the actuator plate (50). A spring (70) biases the latch member downwardly.

Slivon does not teach a lock device having a shift body pivotally connected to the drawer front board at a middle portion thereof; the shift body having a driving section located on an interior of the upper opening and a force application section located on an exterior of the drawer and protruding outwardly from the drawer front board; the resilient body having a U-shaped cross-section; when the lock device is in the locked position, the force application section is pivoted downwardly pivoting the driving section upwardly and releasing the engaging section to resiliently move upwardly, the engaging section engaging the stopper body and locking the drawer in the first position; nor does Slivon teach when the lock device is in the unlocked position, the force application section is pivoted upwardly pivoting the driving section downwardly and pressing the engaging section downwardly, the engaging section is separated from the stopper body and the drawer is slidable between the first and the second positions.

Even if the teachings of Remington et al. and Slivon were combined, as suggested by the Examiner, the resultant combination does not suggest: a lock device having a shift body pivotally connected to the drawer front board at a middle portion thereof; the shift body having a driving section located on an interior of the upper opening and a force application section located on an exterior of the drawer and protruding outwardly from the drawer front board; the resilient body having a U-shaped cross-section; when the lock device is in the locked position, the force application section is pivoted downwardly pivoting the driving section upwardly and releasing the engaging section to resiliently move upwardly, the engaging section engaging the stopper body and locking the drawer in the first position; nor does the combination suggest when the lock device is in the unlocked position, the force application section is pivoted upwardly pivoting the driving section downwardly and pressing the engaging section downwardly, the engaging section is separated from the stopper body and the drawer is slidable between the first and the second positions.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Remington et al. or Slivon that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Remington et al. nor Slivon disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Application No. 10/815,810

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: August 3, 2005

By:



Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707